

The Honorable Chief Judge Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

COINLAB, INC., a Delaware Corporation

Plaintiff,

v.

MT. GOX KK, a Japanese corporation and
TIBANNE KK, a Japanese corporation.

Defendants.

Case No. 2:13-cv-00777-MJP

**DECLARATION OF ROGER M.
TOWNSEND IN SUPPORT OF
COINLAB'S MOTION TO
COMPEL**

I, Roger M. Townsend, hereby declare as follows:

1. I am an attorney at Breskin Johnson & Townsend, PLLC, and counsel for Plaintiff Coinlab, Inc. ("Coinlab") in the above-captioned action. I am a member in good standing with the bar of the State of Washington. I am over the age of eighteen, can attest to the following matters from personal knowledge, and if called as a witness, could competently testify to the matters set forth herein.

2. I attended telephonically a hearing in the United States Bankruptcy Court for the Northern District of Texas, at which Defendant Mt. Gox, KK ("Mt. Gox") requested the Court to stay this litigation against Defendant Tibanne KK ("Tibanne"). The Court denied that request.

*DECLARATION OF ROGER M. TOWNSEND
IN SUPPORT OF COINLAB'S MOTION TO COMPEL
Case No. 2:13-cv-00777-MJP*

SUSMAN GODFREY L.L.P.
1201 Third Avenue, Suite 3800
Seattle, WA 98101-3000
Tel: (206) 516-3880; Fax: (206) 516-3883

1 3. Counsel for Plaintiffs and Defendants met and conferred regarding the
2 deposition of Mr. Karpeles and outstanding discovery requests on Friday, March 14, and
3 counsel for Defendants took the position that the litigation against Tibanne in this district
4 should be stayed.

5 4. Attached hereto as **Exhibit 1** is a true and correct copy of a Minute Entry
6 entered by Judge Feinerman in the United States District Court for the Northern District of
7 Illinois, in the matter of *Gregory Greene et al. v. MtGox Inc., Mt. Gox KK, Tibanne KK, and*
8 *Mark Karpeles*, No. 1:14-cv-01437, staying the case only as to Mt. Gox KK.

9 5. Attached hereto as **Exhibit 2** is a true and correct copy of a deposition notice
10 for Mark Karpeles served on by Coinlab on Defendants Mt. Gox and Tibanne on February
11 28, 2014.

12 6. Attached hereto as **Exhibit 3** is a true and correct copy of an email exchange
13 beginning on February 28, 2014 and ending on March 7, 2014 between Plaintiffs' counsel
14 and Defendants' counsel attempting to confirm the date and time of Mr. Karpeles'
15 deposition.

16 7. Attached hereto as **Exhibit 4** is a true and correct copy of a March 11, 2014
17 follow-up email to Defendants' counsel sent by Plaintiffs' counsel documenting a phone call
18 attempting to confirm the date and time of Mr. Karpeles' deposition.

19 8. Attached hereto as **Exhibit 5** is a true and correct copy of a March 12, 2014
20 email from Plaintiff's counsel confirming the date and time of Mr. Karpeles' deposition.

21 9. Attached hereto as **Exhibit 6** is a true and correct copy of an email exchange
22 between Rodney Shanks, a paralegal at Susman Godfrey, acting at the direction of Plaintiffs'
23 counsel in seeking the production of third-party documents from Defendants' counsel.

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct.

3 Executed on March 20, 2014 at Seattle, Washington

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5 /s/ Roger M. Townsend
6 Roger M. Townsend
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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record who have registered for electronic notifications, and I caused the foregoing to be served upon the following by email:

Dated: March 20, 2014 By: /s/ Kristin M. Malone